

## REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 2, 2008, (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response are respectfully requested.

Applicant respectfully traverses the § 103(a) rejection of at least Claims 6 and 16 based upon the teachings of U.S. Publication No. 2004/0049779 by Sjoblom (hereinafter "Sjoblom") in view of U.S. Publication No. 2002/0056087 by Berezowski (hereinafter "Berezowski") because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. More specifically, the cited portions of Sjoblom do not teach or suggest the limitations directed to templates for displaying information (menus or collected information). For example, Sjoblom does not teach the transmission of templates as parallel information. Rather, the cited portion of Sjoblom teaches that when an address (URL) is selected, the information that is sent from the information server is the content at the selected location. While information sent may be a subset of information such that menus are displayed, there is no indication that the information sent is a template for displaying a visual menu. In contrast, the information sent to the terminal 7 is the menu. The mere transmission of information (a menu) does not correspond to the claimed transmission of a template for displaying information such as a menu. Without a presentation of correspondence to these limitations, the rejection of at least Claims 6 and 16 is improper.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended independent Claims 1, 11, 20, 25, and 27 to include the limitations of dependent Claims 6 and 16, respectively. Since these changes merely introduce limitations of pending dependent claims, the changes do not introduce new matter. As Sjoblom does not teach, and Berezowski has not been asserted as teaching, these limitations, the § 103(a) rejections are improper, and Applicant accordingly requests that the rejections be withdrawn.

Applicant further traverses the rejection of independent Claims 1 and 11 because the asserted combination of references also fails to teach or suggest showing the collected information on the screen of a broadcaster's terminal, as claimed. As pointed out previously, such arguments being incorporated herein, Sjoblom does not teach or suggest showing collected information. The Office Action makes no assertion that either Sjoblom or Berezowski teaches such limitations. Without an assertion or presentation of correspondence to each of the claimed limitations, the § 103(a) rejections of at least Claims 1-3 and 5-11 are improper. Applicant accordingly requests that the rejections be withdrawn.

Dependent Claims 2, 5, 7-10, 12, 15, 17-19, 21-23, and 24 depend from independent Claims 1, 20, and 27, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Sjoblom and Berezowski. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 20, and 27. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 5, 7-10, 12, 15, 17-19, 21-23, and 24 are also patentable over the asserted combination of Sjoblom and Berezowski.

With particular respect to the rejection of dependent Claims 5 and 15, Applicant further traverses because neither Sjoblom nor Berezowski teaches or suggests storing ready-made templates for displaying information in a user terminal and modifying the templates according to parallel information as claimed. The cited portions of Sjoblom merely teach that a URL (address for a file or directory) may be pre-stored in a user's phone and information content identified by a selected URL may be sent to the phone. There is no

teaching or suggestion that templates for displaying information are stored or that such templates are modified according to parallel information. Also, the broadcasting of a second advertisement fails to correspond to the claimed templates or any modification thereof. As Sjoblom fails to teach these limitations and Berezowski has not been asserted as teaching such limitations, any combination thereof must fail to teach at least these claimed limitations. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection of at least Claims 5, 15, and 20 (as amended) is improper. Applicant accordingly requests that the rejection be withdrawn.

With respect to the § 103(a) rejection of dependent Claims 3 and 13, the further reliance on the teachings of U.S. Publication No. 2003/0006911 to Smith *et al.* (hereinafter “Smith”) does not overcome the above-discussed deficiencies of the combination of Sjoblom and Berezowski. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As these claims depend from independent Claims 1 and 27, the rejection is believed to be moot in view of the remarks made above in connection with independent Claims 1 and 27. Therefore, dependent Claims 3 and 13 are patentable over the asserted combination of Sjoblom, Berezowski, and Smith. Applicant accordingly requests that the rejection be withdrawn.

It should also be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

In addition, Claims 20-24 have been amended to be directed to an apparatus. Claim 29 has also been added to characterize that the apparatus may comprise a user terminal as previously characterized in original Claim 20; therefore, the new claim does not introduce

new matter. Also, the language of Claims 1, 11, 25, and 27 has been amended for reasons related to readability. These changes are not intended to alter, nor are believed to alter, the scope of the claims. Each of these claims is believed to be patentable over the asserted references for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.154US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC  
8009 34<sup>th</sup> Avenue South, Suite 125  
Minneapolis, MN 55425  
952.854.2700

Date: July 2, 2008

By: Erin Nichols

Erin M. Nichols  
Reg. No. 57,125